

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION OPIATE
LITIGATION**

This document relates to:

1:17-op-45093
1:18-op-45282
1:18-op-45579
1:18-op-45690
1:18-op-46337
1:19-op-45293
1:19-op-45044
1:18-op-46310

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**PUBLIX SUPER MARKETS, INC.'S MOTION FOR LEAVE TO FILE MOTION TO
DISMISS UNSERVED OR UNTIMELY SERVED CASES**

Pursuant to Case Management Order One, Defendant Publix Super Markets, Inc. (“Publix”) respectfully seeks leave from the moratorium on substantive filings entered in this case to file its Motion to Dismiss Unserved or Untimely Served Cases. A copy of the Motion is attached hereto as **Exhibit A**. The Motion seeks dismissal of claims filed, but not timely served, against Publix, as violating the spirit and letter of the Rules of Civil Procedure. Publix makes this Motion in good faith to clarify that there are illegitimate cases that should not be considered in potential resolution discussions.

Dated: February 24, 2023

Respectfully submitted,

/s/ Kara M. Kapke

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CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2023, I caused the foregoing to be served on counsel of record via the CM/ECF system.

/s/ Kara M. Kapke